

Pub. L. 103-322, §60003(a)(8), substituted a period for the comma after “imprisonment for life” in penultimate par., and struck out remainder of penultimate par. and last par. which read as follows: “if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order.”

“A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.”

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A, 2516, 3592 of this title.

### § 1993. Terrorist attacks and other acts of violence against mass transportation systems

(a) GENERAL PROHIBITIONS.—Whoever willfully—

(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal without authorization from the mass transportation provider;

(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

(7) conveys or causes to be conveyed false information, knowing the information to be

false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

(c) DEFINITIONS.—In this section—

(1) the term “biological agent” has the meaning given to that term in section 178(1) of this title;

(2) the term “dangerous weapon” has the meaning given to that term in section 930 of this title;

(3) the term “destructive device” has the meaning given to that term in section 921(a)(4) of this title;

(4) the term “destructive substance” has the meaning given to that term in section 31 of this title;

(5) the term “mass transportation” has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

(6) the term “serious bodily injury” has the meaning given to that term in section 1365 of this title;

(7) the term “State” has the meaning given to that term in section 2266 of this title; and

(8) the term “toxin” has the meaning given to that term in section 178(2) of this title.

(Added Pub. L. 107-56, title VIII, §801, Oct. 26, 2001, 115 Stat. 374.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A of this title.

### [CHAPTER 99—REPEALED]

[§§ 2031, 2032. Repealed. Pub. L. 99-646, § 87(c)(1), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, § 3(a)(1), Nov. 14, 1986, 100 Stat. 3663]

Section 2031, act June 25, 1948, ch. 645, 62 Stat. 795, prescribed penalties for commission of rape within special maritime and territorial jurisdiction.

Section 2032, act June 25, 1948, ch. 645, 62 Stat. 795, prescribed penalties for carnal knowledge of female

under 16 within special maritime and territorial jurisdiction.

#### EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 99-646 and Pub. L. 99-654 effective, respectively, 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87 of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

### CHAPTER 101—RECORDS AND REPORTS

Sec.	
2071.	Concealment, removal, or mutilation generally.
2072.	False crop reports.
2073.	False entries and reports of moneys or securities.
2074.	False weather reports.
2075.	Officer failing to make returns or reports.
2076.	Clerk of United States District Court.

#### § 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

(June 25, 1948, ch. 645, 62 Stat. 795; Pub. L. 101-510, div. A, title V, § 552(a), Nov. 5, 1990, 104 Stat. 1566; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 234, 235 (Mar. 4, 1909, ch. 321, §§ 128, 129, 35 Stat. 1111, 1112).

Section consolidates sections 234 and 235 of title 18, U.S.C., 1940 ed.

Reference in subsection (a) to intent to steal was omitted as covered by section 641 of this title.

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in subsecs. (a) and (b).

1990—Subsec. (b). Pub. L. 101-510 inserted at end “As used in this subsection, the term ‘office’ does not include the office held by any person as a retired officer of the Armed Forces of the United States.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Section 552(b) of Pub. L. 101-510 provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of January 1, 1989.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 3622.

#### § 2072. False crop reports

Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or report of statistics or information relating to the products of the soil, knowingly compiles for issuance, or issues, any false statistics or information as a report of the United States or any of its agencies, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 795; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 215 (Mar. 4, 1909, ch. 321, § 124, 35 Stat. 1111).

Words “or any of its agencies” were inserted after “United States” so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

#### § 2073. False entries and reports of moneys or securities

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of keeping accounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 795; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 189 (Mar. 4, 1911, ch. 270, 36 Stat. 1355).

Words “or any of its agencies” were inserted after “United States” so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

References to persons aiding and abetting were omitted. Such persons are principals under section 2 of this title.

Minor verbal changes were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

#### § 2074. False weather reports

Whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such

forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined under this title or imprisoned not more than ninety days, or both.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 117 (Mar. 4, 1909, ch. 321, § 61, 35 Stat. 1100).

Minor verbal changes were made.

#### REFERENCES IN TEXT

The United States Signal Service, referred to in text, is now the Signal Corps which is a branch of the Army, see section 3063 of Title 10, Armed Forces.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

#### TRANSFER OF FUNCTIONS

Weather Bureau of Department of Commerce consolidated with Coast and Geodetic Survey to form a new agency in Department of Commerce to be known as Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. All functions of Bureau transferred to Secretary of Commerce by the Plan.

Environmental Science Services Administration abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created National Oceanic and Atmospheric Administration in Department of Commerce. By Department Organization Order 25-5A, republished 39 F.R. 27486, Secretary of Commerce delegated to NOAA his functions relating to Weather Bureau. By order of Acting Associate Administrator of NOAA, the organization name of Weather Bureau was changed to National Weather Service. For further details, see Codification note under section 311 of Title 15, Commerce and Trade.

#### § 2075. Officer failing to make returns or reports

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 107-273, div. B, title IV, § 4002(d)(1)(C)(ii), Nov. 2, 2002, 116 Stat. 1809.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 188, (Mar. 4, 1909, ch. 321, § 101, 35 Stat. 1107).

#### AMENDMENTS

2002—Pub. L. 107-273 substituted “under this title” for “not more than \$1,000”.

#### § 2076. Clerk of United States District Court

Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 104-294, title VI, § 601(a)(11), Oct. 11, 1996, 110 Stat. 3498.)

#### HISTORICAL AND REVISION NOTES

Based on section 522 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Feb. 22, 1875, ch. 95, § 6, 18 Stat. 334).

The reference to the offense as a misdemeanor was omitted as unnecessary in view of the definition of “misdemeanor” in section 1 of this title.

The last sentence providing that conviction should not be a condition precedent to removal from office was omitted as unnecessary.

Minor changes were made in phraseology.

#### AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title or imprisoned not more than one year, or both” for “fined not more than \$1,000 or imprisoned not more than one year” before period at end.

### CHAPTER 102—RIOTS

Sec.

2101. Riots.

2102. Definitions.

#### AMENDMENTS

1968—Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 75, added chapter 102 and items 2101 and 2102.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2516 of this title.

#### § 2101. Riots

(a) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

- (1) to incite a riot; or
- (2) to organize, promote, encourage, participate in, or carry on a riot; or
- (3) to commit any act of violence in furtherance of a riot; or
- (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—<sup>1</sup>

Shall be fined under this title, or imprisoned not more than five years, or both.

(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a)<sup>2</sup> and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts,

<sup>1</sup> So in original. Probably should be “paragraph (1), (2), (3), or (4) of this subsection—”.

<sup>2</sup> So in original. Probably should be “paragraph (1), (2), (3), or (4) of subsection (a)”.